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CERTIFICATE OF MAILING
37 C.F.R. 1.8

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April 7, 2004

Date

[Signature]

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PENNER, Greg A.
BLEDIG, Stefan A.
CONNER, Timothy W.
CONCIBIDO, Vergel C.

Group Art Unit: 1661

Examiner: Wendy Haas

Atty. Dkt. No.: 11898.0021.NPUS01
MOBS021---

Serial No.: 10 / 071,272

Filed: February 8, 2002

For: Identification of Seeds or Plants Using
Phenotypic Markers

RESPONSE TO OFFICE ACTION (RESTRICTION/ELECTION REQUIREMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 7, 2004, having a period for response expiring April 7, 2004, Applicants submit the following:

RESTRICTION REQUIREMENT

Claims 1-39 are pending in the present case. The Examiner has required restriction under 35 U.S.C. § 121 to one of the following groups:

- I. Claims 1-18, drawn to seed mixtures, methods of making seed mixtures and methods of identifying seed mixtures, classified in class 800, subclass 312.
- II. Claims 19-23, drawn to a business method for recovering licensing fees, classified in class 705, subclass 400.
- III. Claims 24-39, drawn to a methods [sic] for generating heterozygous and homozygous seeds of cultivars containing proprietary traits such as transgenic herbicide resistance, classified in class 800, subclass 300.

In response to the Examiner's restriction requirement, Applicants elect to pursue the Group I claims 1-18, drawn to seed mixtures, methods of making seed mixtures and methods of identifying seed mixtures.

It is believed that no fees are due at this time. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11898.0021.NPUS01.

Respectfully submitted,



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April 7, 2004